

12/05/01

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PTO/SB/05 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUTILITY  
PATENT APPLICATION  
TRANSMITTAL

Attorney Docket No. 2102393-991140

First Inventor POLYNKIN, Pavel G.

Title OPTICAL SPECTRAL POWER MONITORS EMPLOYING  
FREQUENCY - DIVISION - MULTIPLEXING DETECTION  
SCHEMES

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Express Mail Label No. EL 904947267 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS  
TO:Assistant Commissioner for Patents  
Box Patent Application  
P.O. Box 2327  
Arlington, VA 22202

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages: 36]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R&D  
- Reference to sequence listing, a table  
or a computer program listing appendix  
- Background of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
5. Oath or Declaration and Power of Attorney [Total Pages 04]  
a. ☒ Newly executed (original)  
b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies; or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)  
Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
15. ☐ Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Check No. 495700 (\$ 731.02)

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an  
Application Data Sheet under 37 CFR 1.76:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under  
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The  
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name	David L. Alberti				
Address	Gray Cary Ware & Freidenrich 1755 Embarcadero Road				
City	Palo Alto	State	CA	Zip Code	94303
Country	US	Telephone	650/833-2052	Fax	650/320-7401

NAME (Print/Type)	David L. Alberti	Registration No. (Attorney/Agent)	43,465
Signature		Date	December 5, 2001

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	Not Yet Assigned
Filing Date	December <u>5</u> , 2001
First Named Inventor	Polyntkin, Pavel G.
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	2102393-991140

TOTAL AMOUNT OF PAYMENT (\$ ) 731.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

07-1896

Deposit  
Account  
Name

Gray Cary Ware & Freidenrich LLP

- ☒ Charge Any additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

- ☒ Payment Enclosed: # 495700

- ☒ Check in the amount of \$ 731.00

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 370.00

### 2. EXTRA CLAIM FEES

Total Claims		Extra Claims		Fee from below	Fee Paid
51	-20** =	31	X	9	279.00
Independent Claims	4	-3** =	1	42	42.00
Multiple Dependent			X		321.00

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	3
102	84	202	42	Independent claims in excess of 3	0
104	280	204	140	Multiple dependent claim, if not paid	0
109	80	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 321.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 40.00

## SUBMITTED BY

Name (Print/Type)

David L. Alberty

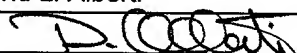
Registration No.  
(Attorney/Agent)

43,465

Telephone

650-833-2052

Signature



Date

Dec. 5, 2001

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Pavel G. Polynkin

Title OPTICAL SPECTRAL POWER MONITORS  
EMPLOYING FREQUENCY-DIVISION-  
MULTIPLEXING DETECTION SCHEMES

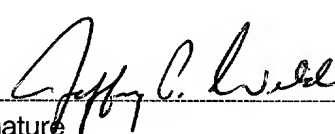
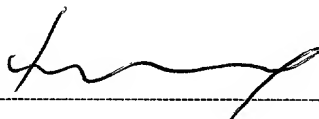
Atty Docket Number 2102393-991140

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11-28-01

Date



Signature

Pavel G. Polynkin and Jeffrey P. Wilde

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Docket No.  
2102393-991140

Applicant: Capella Photonics, Inc.

Serial No.  
Not Yet AssignedFiling Date  
HerewithExaminer  
N/AGroup Art Unit  
N/A

Invention:

**OPTICAL SPECTRAL POWER MONITORS EMPLOYING FREQUENCY – DIVISION  
– MULTIPLEXING DETECTION SCHEMES**I hereby certify that this UTILITY PATENT APPLICATION*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, P.O. Box 2327, Arlington, Virginia 22202, Box Patent Application on December 5, 2001.

*(Typed or Printed Name of Person Mailing Correspondence)*SUSAN C. PINGUE*(Signature of Person Mailing Correspondence)***EL 904947267 US***("Express Mail" Mailing Label Number)*